

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

FRANK MCGINNIS,)
)
Plaintiff,)
)
v.) **CIVIL NO. 5:06CV139**
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

O R D E R

THIS MATTER is before the Court on Plaintiff's "Motion For Award of Attorney Fees Pursuant to the Equal Access to Justice Act" filed on April 4, 2007 (document #10). By Response filed on April 16, 2007, Defendant advises that the parties have reached agreement on this matter and he will not oppose an award of legal fees in the amount of \$2,180.00 plus \$350.00 for the initial filing fee, provided this is the only petition filed by Plaintiff in this case under 28 U.S.C. §2412(d).

NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's "Motion For Award of Attorney Fees Pursuant to the Equal Access to Justice Act" (document #10) is **GRANTED**, to the extent that counsel for Plaintiff shall be paid the sum of \$2,180.00 for attorney fees, and \$350.00 for the initial filing fee.
2. No additional petition pursuant to 28 U.S.C. §2412(d) shall be filed.
3. The Clerk is directed to serve copies of this Order to counsel for the parties.

Signed: July 10, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

